

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

EDWARD SMITH,

Defendant.

14 Cr. 813 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On October 1, 2015, Defendant Edward Smith was sentenced principally to concurrent terms of 120 months' imprisonment on each of Counts One and Two of Indictment 14 Cr. 813. (*See* Dkt. #8 (indictment), 62 (judgment); October 1, 2015 Minute Entry). As a result of a previous motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), the Court reduced the term of imprisonment to concurrent terms of 114 months' imprisonment. (Dkt. #92).

On February 22, 2024, Defendant filed a motion requesting that this Court consider a sentence reduction pursuant to Amendment 821 to the United States Sentencing Guidelines, which amendment went into effect on November 1, 2023, and applies retroactively. (Dkt. #95). The United States Probation Department thereafter issued a supplemental presentence investigation report indicating that Defendant is not eligible for a sentence reduction under Amendment 821. (Dkt. #96).

The Court has considered the record in this case and Defendant's submission on his motion. The Court finds that Defendant is ineligible for a reduction in his sentence because his Total Offense Level and Criminal History Category do not change as a result of Amendment 821, and thus DENIES his motion. The Clerk of Court is directed to terminate the motion at docket entry 95, and is further directed to mail a copy of this Order and the accompanying AO 247 form to Mr. Smith at the following address:

EDWARD SMITH, #71588-054
USP VICTORVILLE
U.S. PENITENTIARY
P.O. BOX 3900
ADELANTO, CA 92301-0710

SO ORDERED.

Dated: March 15, 2024
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge